

ADMINISTRATIVE - INTERNAL USE ONLY

OGC Has Reviewed

6 October 1971

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT: Delegation of Authority

1. With respect to the question of whether the Director is the head of the Central Intelligence Agency or the Director of Central Intelligence, it is clear from the law that his title is Director of Central Intelligence.

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Thus, the Director is legally and factually the head of the Central Intelligence Agency and has the legal title of Director of Central Intelligence.

2. Quite generally throughout many statutes and court decisions, there are references to "the head of an agency." The law authorizing the head of an agency to delegate to subordinate officials authority for appointment and termination of personnel is title 5 United States Code 302(b)(1) which provides as follows:

In addition to the authority to delegate conferred by other law, the head of an agency may delegate to subordinate officials the authority vested in him --

(1) by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his agency; and ....

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3.

Chapter 311-7, subchapter 2 of the Federal Personnel Manual provides:

The authority of the head of an agency to separate an employee is incidental to the authority to appoint.

This provision is a reflection of holdings of the courts over the years. It is this latter termination authority which is proposed to be delegated by the Director.

4. It is believed that the proposed wording of the delegation of authority is legally and technically correct with the exception that the letter "H" in "Head" should be lower case and, accordingly, the delegation has been redone.

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Att.

Deputy General Counsel

cc: Ex Dir-Comp in draft  
D/Pers in draft  
✓OGC Subj - DELEGATION OF AUTHORITY  
OGC Chrono  
OGC:JSW:mks

Note: Final held for record purposes only

cc: D/Pers4/18/72

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